

**IN THE UNITED STATES DISTRICT COURT
FOR DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

Plaintiff,

v.

CONGRESSIONAL SEAFOOD CO INC., et al.

Defendants.

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: Case 1:09-CV-03425-BEL

DEFENDANTS' MOTION TO VACATE CONSENT DECREE


Defendants CONGRESSIONAL SEAFOOD CO INC., a Maryland corporation, STANLEY PEARLMAN and JONATHAN PEARLMAN, by and through their counsel, Wortman & Nemeroff, P.A., hereby move this Honorable Court for an order to vacate the Consent Decree of Permanent Injunction entered by the Court on January 7, 2010 and state as follows:

1. On January 7, 2010, a Consent Decree of Permanent Injunction was entered by this Court (the "Injunction").
2. It has now been more than five (5) years since the Injunction was entered in this case and the U.S. Food and Drug Administration ("FDA") has not found that Defendants have violated the Federal Food, Drug and Cosmetic Act during that time.
3. After consideration of this matter and review of this motion, FDA advises that it does not object to vacating the Injunction and the U.S. Department of Justice will not oppose this motion and the requested relief.
4. Pursuant to paragraph 22 of the Injunction, this Court retains jurisdiction over the Injunction including any requests to modify or vacate it.

5. In light of the foregoing, the Defendants respectfully request that this Court terminate and vacate the Injunction forthwith.

WHEREFORE, Defendants Congressional Seafood Co Inc., Stanley Pearlman and Jonathan Pearlman hereby request that this Honorable Court enter an Order terminating and vacating the Consent Decree of Permanent Injunction entered by Court on January 7, 2010.

Respectfully submitted,
Wortman & Nemeroff, P.A.



Steven M. Nemeroff, Bar No: 03956
Attorney for Defendants
4710 Bethesda Avenue
Suite 203
Bethesda, Maryland 20814
(301) 986-5200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20th day of March 2015, a copy of the foregoing Defendants' Motion to Vacate Consent Decree and Order were mailed prepaid postage to: Michael S. Blume, Director, Consumer Protection Branch, Department of Justice P.O. Box 386, Washington, D.C. 20044 and Sonia W. Nath, J.D., M.P.H., Associate Chief Counsel for Enforcement, Food and Drug Division, OGC, White Oak Bldg. 31 Room 4568, 10903 New Hampshire Avenue, Silver Spring, MD 20993-0002.



Steven M. Nemeroff

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ORDER

UPON CONSIDERATION of Defendants' Motion to Vacate Consent Decree, filed in the above-case, there being no objection thereto, it is, by the United States District Court for the District of Maryland, this ____ day of _____, 2015;

ORDERED, that Consent Decree of Permanent Injunction entered by Court on January 7, 2010 shall be and is hereby be vacated as of the date hereof.

Judge Benson E. Legg

Copies to:

Steven M. Nemeroff, Esquire
Wortman & Nemeroff, PA
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Suite 203
Bethesda, Maryland 20814

Michael S. Blume
Director
Consumer Protection Branch
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Sonia W. Nath, J.D., M.P.H.
Associate Chief Counsel for Enforcement
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